

REMARKS

1. Status of the Claims

Claims 1-10 are pending in this Application. By this Response, Applicant amended Claim 5 to overcome the objection under 35 U.S.C. §112. Applicant respectfully submits no new matter was added through these amendments. Accordingly, as none of the claims were cancelled, Claims 1-10 are at issue.

2. Rejection of Claims under 35 U.S.C. 103(a)

Claims 1-2 and 4-10 stand rejected under 35 U.S.C. 103(a) as being unpatentable over US Publication No. 2003/0182143 to Conrad et al. in view of U.S. Patent No. 6,526,158 to Goldberg. Applicant respectfully submits that combination of the cited references is improper, but even if proper, Applicant's invention is patentable over the combination of references.

The present invention is directed to making, viewing and optionally ordering photographic images, which are typically taken of visitors to zoos and amusement parks. After a photograph is taken with a digital camera, the image is sent wirelessly to a processing unit. A code is sent to a printing unit during processing of the digital image, and the person from whom the image is made is given a receipt with the code. Using the receipt and code, the person can view the images and decide whether to order and purchase the image. In addition, the photographer has the ability to move about, capturing images of patrons in different areas of the venue as the camera is not set up in a stationary location.

Conrad discusses a stationary and centralized system for capturing images of patrons in a theme park, and storing the images in a convenient location for the guests [0008]. Conrad includes assigning a unique identification in the form of a card with a magnetic strip or bar code to the guests, so that when the photos are taken, the photos can be associated with the proper guest at a central location [0010] and [0024]. In addition, Conrad teaches that the guest should carry the ID media at all times [0033]. The ID is associated with the guest information and an

account is coordinated with the ID [0034]. The account collects the images associated with the ID for viewing by the guest at a specific location, such as through a kiosk, hotel in-room device, or through the internet [0057-0059]. It is noted in the Office Action that Conrad does not disclose sending the images wirelessly or exchanging a code between the processing unit and an issue location to a printing unit during processing of the digital data.

Goldberg discusses obtaining photographic images of patrons visiting theme parks. The patron is given a remote identification tag, which is decoded by readers placed at various locations in the park and images of the patrons are taken while, for example, on various rides. (col. 6, lines 25-36). Typically, the camera taking the image is located at a stationary, specific point and a trigger mechanism accompanying the camera causes the camera to take the image when the patron is within the field of view of the camera (col. 12, lines 32-37). Identification information is matched with the electronic images that are collected and stored. The patron goes to a distribution station and using the identification tag, can view images, subsequently printing the desired images or delivering them to a video, CD or email. Goldberg appears to be cited for the premise that it discloses sending the image wirelessly. However, Goldberg does not disclose use of a receipt with a coded image as in the present application. Rather, Goldberg uses an identification tag associated with and worn by the patron to access the images at the distribution kiosk. (col. 6, lines 54-62). Further, Goldberg does not offer the option that the photographer can move about the venue, but rather the cameras of Goldberg are set in a stationary location for capturing images.

Conrad teaches assigning a unique ID to the guests, which is then used to create an account associated specifically with that guest. Through the account, the guest can access/purchase the desired photos. Goldberg teaches obtaining photographic images of patrons at theme parks, wherein the patron wears an identification tag that transmits a signal to readers on a stationary camera for taking images of the patron on various rides. The images are stored and can be viewed by the patron at a kiosk using the tag. Because of the ability of the patron to view

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images using the identification tag at the remote kiosk, there is no need for any further receipt to be generated. Similarly, in view of the creation of an account associated with a specific guest in Conrad, there is also no need for a code and printed receipt. It should be noted that both Conrad and Goldberg teach that the guest is required to carry some form of identification in order to either create an account (Conrad) to access the photographs, or use a physical identification tag (Goldberg) which is decoded by readers to access the associated photos.

In the Office Action it is stated that “[t]he act of exchanging a code between the processing unit and an issue location to a printing unit during processing of the digital data is simply an automatic means of providing a receipt with a code associated with the set of images. This means is detailed in the manual method of Conrad (paragraphs 7 and 51). At the time of the invention, it would have been obvious to a person having ordinary skill in the art to automate this process” (Office Action, page 3). Applicant respectfully submits that the act of exchanging a code between the processing unit and an issue location to a printing unit during processing of the digital data is not simply an automatic means of providing a receipt with a code associated with a set of images, just because Conrad apparently discloses a manual method. Furthermore, the Examiner states that “it would be obvious to a person having ordinary skill in the art to combine Goldberg with Conrad et al. The motivation for doing so would have been to provide for faster and more mobile access to the images.” (Office Action, page 4).

Such reasoning for combining prior art references, however, does not meet the standard set forth by the Supreme Court in *KSR v. Teleflex*. In *KSR*, the Supreme Court stated that a rejection of a patent claim on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support a legal conclusion of obviousness. *KSR Int'l Co. v. Teleflex Inc.*, 127 S. Ct. 1727, 1740-41 (2007). Contrary to the requirements of *KSR*, the Examiner has merely put forth conclusory statements for the combination. The Examiner has not provided specific reasoning supporting the alleged combinations and thus has failed to present a *prima facie* case of obviousness.

Conrad permits access through kiosks, in-room devices or the internet, while Goldberg provides access through kiosks. Based on the above analysis, it does not follow to combine these two seemingly similar references to arrive at Applicant's invention. Neither reference teaches exchanging a code between the processing unit and an issue location, wherein the person of whom the image was taken can access the image using the code, which is printed on a receipt, as in the present application. Both Conrad and Goldberg teach that the guest is required to carry some form of identification in order to either create an account (Conrad) to access the photographs, or use a physical identification tag (Goldberg) which is decoded by readers to access the associated photos.

Applicant's invention is patentable over the combination of the cited references. The present invention is directed to a system for making a recorded image with a digital camera, wherein the image is sent wirelessly to a processing unit for processing of the image. A corresponding code is provided (also wirelessly) to a printing unit, wherein the code is printed onto a receipt that is provided to the person whose image was made. Using the receipt and code, the person can access the image almost immediately, i.e., within a few seconds, and decide whether he/she wishes to purchase the image. Again, Conrad teaches assigning an ID to a guest, which the guest is required to carry at all times, and is used for creation of an account to then access the photos of interest. Paragraph [0033] of Conrad emphasizes that guests should carry the ID media at all times. Therefore, the ID must easily be read at each image capture location, which is not an issue according to the present application.

Goldberg is directed to obtaining images of patrons at an amusement park or other venue, and providing access to the image for the person to purchase or otherwise download to another medium using an identification tag worn by the patron. Notably, both references require use of an identification tag or media to be worn or carried by the guest at all times, which is not required in the present application. Receipts containing a code for use in accessing desired photographs are not provided to the patrons in either Conrad or Goldberg. Accordingly, Applicant

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respectfully submits that claim 1, as well as its dependent claims 2-3, are patentable over the cited art.

Regarding claim 4, it is noted in the Office Action that Conrad does not disclose a transmitter/receiver for sending the recorded image. (Office Action, page 4) It is further stated that “[a]t the time of the invention, it would have been obvious to a person having ordinary skill in the art to combine Goldberg with Conrad et al. The motivation for doing so would have been to provide for faster and more mobile access to the images.” (Office Action, page 5). Applicant respectfully submits that for the reasons detailed above it would not be obvious to combine the references to arrive at Applicant’s invention. Accordingly, Applicant respectfully submits that claim 4, as well as its dependent claims 5-8, are patentable over the cited art.

Concerning claim 10, it is noted in the Office Action that Conrad does not disclose that the images are sent via a cable. Further Conrad does not disclose exchanging a code between the processing unit and an issue location to a printing unit during processing of the digital data. (Office Action, page 7). It is further stated that “[a]t the time of the invention, it would have been obvious to a person having ordinary skill in the art to combine Goldberg with Conrad et al. The motivation for doing so would have been to provide more dependability when sending and receiving images.” (Office Action, page 8). Applicant respectfully submits that for the reasons detailed above it would not be obvious to combine the references to arrive at Applicant’s invention. Applicant further submits that the act of exchanging a code between the processing unit and an issue location to a printing unit during processing of the digital data is not simply an automatic means of providing a receipt with a code associated with a set of images, just because Conrad apparently discloses a manual method. Accordingly, Applicant respectfully submits that claim 10 is patentable over the cited art.

Claim 3 stands rejected as being unpatentable over Conrad in view of Goldberg and further in view of US Publication 2002/0067408 to Adair et al. Applicant respectfully submits that as claim 3 includes all the limitations of claim 1, it is likewise patentable over the

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combination of Goldberg and Conrad discussed above. If an independent claim is non-obvious under §103, then any claim depending therefrom is also non-obvious. *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988). The addition of Adair et al. does not overcome the deficiencies of the combination of Conrad and Goldberg.

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CONCLUSION

In light of the foregoing reasons, Applicant respectfully requests reconsideration and allowance of claims 1-10. The Commissioner is authorized to charge any additional fees or credit any overpayments associated with this Amendment to Deposit Account 13-0206.

Respectfully submitted,

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to: MAIL STOP AMENDMENT, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450, on May 13, 2008.

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